



Entered on Docket  
September 23, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE  
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Third Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based Entirely Upon Investment In  
The Gess Loan**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Third Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Gess Loan," ("Gess Loan") [DE 8632] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on

1 **Exhibit A** does not affect the direct lenders' right to repayment by the borrower or from  
2 the collateral securing the Gess Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8632] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are disallowed in full because those  
6 claims are based entirely upon an investment in the Gess Loan.

7  
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9  
10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

**USACM Trust  
6425 Gess, Ltd.  
Single Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the 6425 Gess, Ltd. Loan</b>
10725-00625	10/17/2006	Morton, Nadine	2708 La Solana Way Las Vegas, NV 89102	50,000.00	50,000.00
10725-00242	9/26/2006	Pardo IRA, Betty R	10932 Mill Cove Ave Las Vegas, NV 89134-7213	Unknown	Unknown
10725-00600	10/16/2006	Phil, Teri	Po Box 96331 Las Vegas, NV 89193-6331	75,000.00	75,000.00
10725-01006	11/6/2006	Preswick Corp	1400 Colorado St Ste C Boulder City, NV 89005	341,899.17	341,899.17
10725-02563	6/25/2007	Retirement Accounts Inc Cfbo Judd Robbins IRA	C/O Bradley Paul Elley, Esq. 120 Country Club Dr, Ste 5 Incline Village, NV 89451	50,000.00	50,000.00
10725-01292	11/10/2006	Snow, Jack & Heidi	C/O Scott D Fleming Esq Hale Lane Peek Dennison & Howard 3930 Howard Hughes Las Vegas, NV 89169	Unknown	Unknown
10725-02268	1/12/2007	Tripp, Walter C	5590 Briarhills Ln Reno, NV 89502	101,433.34	50,716.67
10725-01847	1/4/2007	Volpel Trust DTD 2/2/96	Gunter Volpel Trustee 90876 Libby LN Coos Bay, OR 97420	119,463.32	119,463.32
10725-01084	11/7/2006	Wagner, Kirsten	Po Box 523 Cumberland, WI 54829-0523	100,000.00	100,000.00
10725-01604-1	12/8/2006	Wyatt IRA, Kenneth H	Po Box 370400 Las Vegas, NV 89137-0400	54,083.35	54,083.35
10725-01604-2	12/8/2006	Wyatt IRA, Kenneth H	Po Box 370400 Las Vegas, NV 89137-0400	54,083.35	54,083.35

**EXHIBIT A**

2418572.1